

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 2

EFFECTIVE DATE: June 11, 1985; Revised January 24, 1994

SUBJECT: Grievance Procedure

AUTHORIZATION:

Whitman J. Kling, Jr.
Assistant Commissioner

The provisions of this grievance procedure are based on the authority contained in Article X, Part I, Section 10, Paragraph (A) (1) of the Constitution of the State of Louisiana and Civil Service Rule 3.1(m).

Civil Service Rule 3.1(m) is cited as follows:

"It shall be the duty of the Director of Personnel ... to establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or the Commission under the Civil Service Article."

I. POLICY:

It shall be the policy of the Division of Administration to have an equitable grievance system. Further, it is policy that employee problems shall be resolved at the lowest possible supervisory level and at the earliest possible opportunity after such problems are recognized. Each employee in the Division of Administration shall have access to the grievance procedure, without fear of reprisal, for the resolution of problems.

II. PURPOSE:

In any organization, it may be expected that conditions leading to dissatisfaction and misunderstanding may arise among employees.

Every effort will be made to afford all employees a means to resolve grievances. Discussing of problems openly between employees, supervisors and section heads through utilization of this grievance procedure may serve as a basis for review and change of policies and procedures.

The intent of this policy is to establish the means by which problems of this nature may be resolved to maintain employee morale and efficiency at a high level.

III. APPLICABILITY:

Applies to all employees of the Division of Administration.

Applies to all sections within the Division of Administration, both general appropriation and ancillary appropriations.

Personnel Policy No. 2

Page 2

Revised January 24, 1994

IV. SCOPE:

The decision to utilize this grievance procedure, **although encouraged, shall be the voluntary decision of the individual employee.**

Nothing herein shall be construed as to deprive a classified employee of the right of appeal to the Director of Civil Service or the Civil Service Commission in appropriate cases, or to alter or extend the time within which an appeal is required to be filed with the Civil Service Commission, or to alter in any way the Rules of the Commission.

Part 4 of the Louisiana State Personnel Manual and Chapter 13 of the Civil Service Rules detail the complaints and personnel problems which are appealable to the Civil Service Commission or the Director of the Department of Civil Service.

If a grievance hearing is conducted under this procedure, the party against whom the grievance complaint is made shall have the right to appear and testify at the hearing. A classified employee selected by a grievant to represent him in the processing of a grievance through this procedure shall, at such times as his supervisor may approve, be granted necessary time off during his working hours to investigate the grievance and represent such other employee without loss of pay and without charge to annual or compensatory leave balances.

The appropriate appointing authority's decision shall be final in all cases properly subject to processing through this grievance procedure.

NOTE:

There are time limits that have been set within which either a grievance or an appeal may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure may have expired before discovering that the inappropriate means of relief has been sought. We urge employees who are dissatisfied or have a personal employment problem to contact the Office of Personnel Services for assistance in resolving his/her specific problem and/or differentiating between the grievance procedure and appeals procedure.

The Office of Personnel Services has staff members available to consult with employees freely and informally and to assist them in the proper presentation of their grievance.

V. DEFINITIONS:

The term "grievance" shall mean any claim or allegation by any employee and/or group of employees, hereinafter referred to as "grievant", that:

- A. An employee has been treated unfairly, inequitable or in a manner which is arbitrary, capricious, unjust, unreasonable or discriminatory; or
- B. There is a violation of the implementation, enforcement, administration, application and/or interpretation of any applicable law or any rule, regulation, administrative directive, policy or practice of the agency or its agent(s); or
- C. There exists a condition, situation or circumstance which jeopardizes the health or safety of any employee or otherwise adversely affects the welfare and interest of any such person.

Personnel Policy No. 2
Page 3
Revised January 24, 1994

VI. PROCEDURE:

The Grievance procedure consists of three formal steps. A brief description of these three steps is as follows.

First Step:

All grievances should be presented within 14 working days from the date the grievant first became aware of, or should have become aware of, the cause of such grievance.

The grievance should be in writing on the appropriate form and submitted to the grievant's immediate supervisor. The supervisor must render a written decision within 7 working days.

Second Step:

If the grievant is not satisfied with the supervisor's decision or if the decision is not rendered within the prescribed time limit, he/she should check the appropriate box on the form and within 7 working days present his/her grievance in writing to the section head.

The section head shall investigate; afford the employee an opportunity to present his viewpoint; and furnish the employee a written statement of his findings and recommendations within 14 working days of receipt of the written grievance.

Third Step:

In the event the decision of the section head does not satisfy the employee, he/she should check the appropriate box on the form and may present his/her grievance to the appropriate deputy/assistant commissioner, or his designated representative, within 5 working days. If the grievant is not aware of who is the appropriate deputy/assistant commissioner, he/she should contact the Office of Personnel Services (at 342-6060) for guidance.

Correspondence to all deputy/assistant commissioners may be addressed to P. O. Box 94095, Baton Rouge, LA 70804-9095.

Correspondence may be hand delivered to the Second Floor of the Capitol Annex.

The deputy/assistant commissioner may conduct a hearing or whatever investigation is deemed appropriate, and will issue a written decision notifying all interested parties within 21 working days following the date the grievance entered the Third Step.

NOTE:

The Office of Personnel Services has the responsibility of administering the grievance procedure. Therefore, at each step of the grievance procedure, the grievant must forward a copy to the Office of Personnel Services.

Personnel Policy No. 2
Page 4
Revised January 24, 1994

VII. RESPONSIBILITY:

Deputy/Assistant Commissioners are responsible for:

Holding accountable the section heads under his/her supervision for adhering to all aspects of this policy.

Responding to the grievant at the Third Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Section Heads are responsible for:

Holding accountable the supervisors/managers under his/her supervision for adhering to all aspects of this policy.

Responding to the grievant at the Second Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Assuring that each employee under his/her supervision, current and new:

! Is made aware of this policy and its contents as well as any forthcoming revisions, and

! Is informed that he/she must abide by the terms of the policy, and

! Is informed of the consequences of any violation of this policy.

Bringing violations to the attention of the deputy/assistant commissioner and dealing with the violation in a fair and consistent manner.

Monitoring the effectiveness of and assuring compliance with the grievance procedures.

Manager/Supervisors are responsible for:

Responding to the grievant at the First Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Monitoring the effectiveness of and assuring compliance with the grievance procedures.

Personnel Policy No. 2

Page 5

Revised January 24, 1994

Immediately bringing violations to the attention of the section head.

Employees are responsible for:

Forwarding grievances to the appropriate places in a timely manner.

Complying with the provisions and spirit of this policy.

Reporting known violations of this policy to the supervisor, section head, or Appointing Authority.

Complying with all aspects of this policy.

VIII. EXCLUSIONS:

There will be no exceptions to this policy.

IX. QUESTIONS:

Questions regarding this policy should be directed to staff of the Office of Personnel Services at 342-6060.

X. VIOLATIONS:

Any classified employee who uses his official position to coerce, attempt to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to administrative disciplinary action.

Employees found to have violated this policy in any way may be subject to disciplinary action.

The attached form represents the official grievance form. You may duplicate the attached form to use or contact the Office of Personnel Services for copies of this form.

WJK,JR:PAR:cm

Attachment

DIVISION OF ADMINISTRATION GRIEVANCE FORM Page 1

GRIEVANT'S NAME

DATE GRIEVANT BECAME AWARE OF ACTION COMPLAINED OF

DATE FILED _____ SECTION

FIRST STEP

GRIEVANCE STATEMENT: (A statement may be attached if more space is needed.)

RELIEF SOUGHT: (A statement may be attached if more space is needed.)

GRIEVANT'S SIGNATURE _____ DATE

c: Office of Personnel Services

Personnel Policy 2

Page 7

Revised January 24, 1994

DIVISION OF ADMINISTRATION GRIEVANCE FORM Page 2

DECISION OF IMMEDIATE SUPERVISOR: (A statement may be attached if more space
is needed.)

SUPERVISOR'S SIGNATURE _____ DATE

EMPLOYEE ANSWER:

_____ I am satisfied with the answer to my grievance.

_____ I am not satisfied with the answer to my grievance and wish to have it
referred to the Second Step.

GRIEVANT'S SIGNATURE _____ DATE

c: Office of Personnel Services

Personnel Policy 2
Page 8
Revised January 24, 1994

DIVISION OF ADMINISTRATION GRIEVANCE FORM Page 3

SECOND STEP

DECISION OF SECTION HEAD: (A statement may be attached if additional space is needed.)

SECTION HEAD'S SIGNATURE _____ DATE

EMPLOYEE ANSWER:

_____ I am satisfied with the answer to my grievance.

_____ I am not satisfied with the answer to my grievance and wish to have it referred to the Third Step.

GRIEVANT'S SIGNATURE _____ DATE

c: Office of Personnel Services

THIRD STEP

Decision of deputy/assistant commissioner:
(A statement may be attached if more space is needed.)

DEPUTY/ASSISTANT COMMISSIONER SIGNATURE

DATE

c: Office of Personnel Services